

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1166 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
17/11/2004 in WPMP No.11087 of 2004 in WP NO : 8564 OF 2004 on the file of the
High Court.)

Between:

- 1 The Singareni Collieries Co. Ltd., Rep. by its Chairman & Managing Director,
Mehr Manjil, Red Hills, Hyderabad.
- 2 The Chief General Manager, The Singareni Collieries Co. Ltd., RG-I,
Godavarikhani, Karimnagar District.
- 3 The Colliery Manager, GDK No. 11A Incline, The Singareni Collieries Co. Ltd.,
RG-I, Godavarikhani, Karimnagar District.

..... APPELLANTS

AND

B. Rama Rao S/o. Illaiah
The Singareni Collieries Co. Ltd., Godavarikhani, Karimnagar District.

.....RESPONDENT

Counsel for the Appellants: MR.K.SRINIVASA MURTHY

Counsel for the Respondent.: MR.A.RAVI BABU

The Court made the following :

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JUDGMENT:(Per Hon'ble Smt. Justice T. Meena Kumari)

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This writ appeal is filed by the appellants aggrieved by the order, dated 17.11.2004 in WPMP No.11087 of 2004 in W.P.No.8564 of 2005, under which the learned Single Judge granted interim suspension of proceedings No.RG.I/GDK.11A/WO/3049, dated 13.8.2003 issued by the appellants.

The appellants herein are the respondents and the respondent is the writ petitioner.

Originally, the writ petition was filed by the writ petitioner seeking a direction, in the nature of writ of Certiorari, to quash the aforesaid proceedings dated 13.8.2003. On 17.11.2004 in WPMP No.11087 of 2004, this Court granted interim suspension of the proceedings in question. Aggrieved by the same, the respondents-appellants preferred this appeal.

The learned Counsel for the appellants contends that the writ petitioner did not produce any evidence at the time of his entering into service as a proof of his age and hence, he was examined and his age was assessed as 29 years as on 16.12.1973 and the same was entered in the service register and the petitioner did not object the same and subsequently, he got entered his date of birth as 14.3.1955 in other service records. He further contended that in case of variation in the age, such cases will be referred to the Medical Board and hence, the petitioner cannot question the proceedings in question at the fag end of his service on the ground that the date of birth mentioned in the service register is not correct and therefore, suspension of the proceedings in question is unsustainable.

On the contrary, the learned Counsel for the respondent-writ petitioner contended that respondent's date of birth dated 14.3.1955 was accepted by the company and his certificates show his date of birth as 14.3.1955 and he will be retired in the month of March, 2015 and therefore, the proceedings in question are arbitrary. He further contends that the learned Single Judge has rightly suspended the operation of the proceedings in question and it requires no interference.

As can be seen from the record, admittedly, there is a controversy as to the date of birth of the respondent and consequently, his superannuation. In view of the rival submissions put forth by both the Counsel, we are of the view that the question as to the correctness of the date of birth of the respondent and consequently, the validity of the proceedings in question, touches the merits of the case and it can be

decided in the main writ petition. In that view of the matter, without expressing any opinion on the merits of the case, we are of the view that the learned Single Judge is justified in granting the interim suspension after recording cogent reasons and hence, this appeal is liable to be dismissed.

Accordingly, the writ appeal is dismissed. No order as to costs.

The Registry is directed to post the Writ Petition for final hearing after Dasara Vacation of 2005.

Justice T. Meena Kumari

Justice P. Lakshmana Reddy

Date: 22nd June, 2005

Nn.

Copy to:

- 1 The Chairman & Managing Director, Singareni Collieries Co. Ltd. Mehr Manjil, Red Hills, Hyderabad.
- 2 The Chief General Manager, The Singareni Collieries Co. Ltd., RG-I, Godavarikhani, Karimnagar District.
- 3 The Colliery Manager, GDK No. 11A Incline, The Singareni Collieries Co. Ltd., RG-I, Godavarikhani, Karimnagar District.
4. One Copy to Section Officer, Writ Filing Section, High Court of A.P., Hyderabad.
5. The Section Officer, Posting Section, High Court of A.P., Hyderabad.
6. Two C.D. copies.

